

15-04
**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
ADDING CHAPTER 9, ANIMALS, IN THE CODE OF THE
BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 9, Animals, in the Code of the Borough of Merchantville is hereby amended as follows:

ARTICLE I. SECTION 9-1 Definitions.

As used in this Chapter, the following terms shall have the meanings as indicated:

ANIMAL: any live vertebrate creature including mammals, birds, reptiles, amphibians and fish, but not humans.

ANIMAL CONTROL OFFICER: a person 18 years of age or older who has satisfactorily completed the course of study approved by the Commissioner of Health and Senior Services of the State of New Jersey and the Police Training Commission as prescribed by paragraphs (1) through (3) of subsection a. of section 3 of N.J. P.L.1983, c. 525 (C.4:19-15.16a); or who has been employed in the State of New Jersey in the capacity of, and with similar responsibilities to those required of, a certified animal control officer pursuant to the provisions of N.J. P.L.1983, c. 525 for a period of three years before January 17, 1987.

ANIMAL RESCUE ORGANIZATION: an individual or group of individuals who, with or without salary or compensation, house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.

ANIMAL RESCUE ORGANIZATION FACILITY: the home or other facility in which an animal rescue organization houses and cares for an animal.

ANIMAL SHELTER: any establishment where dogs, cats or other animals are received, housed and distributed, but not a pet store.

AT-LARGE: that an animal is off the property of its owner and (i) the animal has entered upon the property of another person without authorization of that person, or (ii) the animal has entered onto public property, street or right-of-way, unless that animal is restrained by its owner, or a person caring for the animal on behalf of the owner, with a leash of no less than six feet in length, or other physical control device, such that the animal is under the physical control of the owner or person caring for the animal on behalf of the owner. Nothing in this definition is intended to prevent dogs being on training leashes or on retractable leashes or being engaged in other appropriate activities under adequate, responsible adult supervision where care is taken to assure control as needed is available to prevent violations of this Ordinance.

BREEDER: any person who causes or allows the breeding of a male or female dog or cat. "Breeder" shall not apply to a person who owns an unneutered female cat or dog that has borne one (1) litter since the enactment of this ordinance if that cat or dog is spayed subsequent to the birth of that litter so as to prevent further litters.

CAT: a member of the species *Felis catus*.

CAT OF LICENSING AGE: any cat which is not a community cat which has attained the age of seven months or, if age cannot be determined, a cat which possesses a set of permanent teeth.

COMMUNITY CAT: any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat mayor may not be feral. Community cats shall be distinguished from other cats by being sterilized and ear-tipped; community cats are exempt from licensing, stray and at-large provisions of this Ordinance

COMMUNITY CAT CAREGIVER: any person who, in accordance with a community cat management/TNR program to trap, neuter, vaccinate for rabies, ear tip and return free roaming cats or feral cats:

1. Neuters, vaccinates for rabies, ear tips and returns one or more community cats;
2. Provides care, including food, shelter or medical care to the cat; or
3. Has temporary custody of the cat.

Free-roaming cats cared for by community cat caregivers may or may not be feral. A community cat caregiver shall not be considered to own, possess, keep or harbor a community cat.

COMMUNITY CAT COLONY: "Community Cat Colony" means a single community cat or a group of community cats that congregate together outside as a unit. Although not every cat in a colony may be feral, any non-feral cats that congregate with a colony shall be deemed part of it.

DOG: a member of the species "Canis familiaris."

DOG OF LICENSING AGE: any dog which has attained the age of seven (7) months or, if age cannot be determined, a dog which possesses a set of permanent teeth.

EAR TIPPING: the straight-line cutting of the tip of one ear of a cat while the cat is anesthetized. Ear tipping the left ear is the best and universally accepted practice; although in the past cats may have been ear-tipped on the right ear.

FERAL CAT: a cat that is unsocialized to humans and has a temperament of extreme fear of, and resistance to, contact with humans. Feral cats are included in the definition of "community cats" as community cats may or may not be feral. Feral cats are:

1. Born in the wild; or
2. Offspring of socialized or feral cats and not socialized; or
3. Formerly socialized cats that have been abandoned and have reverted to an unsocialized state.

FOSTER HOME: placement by an animal rescue organization of a cat or dog with an individual or group that is not an animal rescue organization for the purpose of temporarily caring for the cat or dog, without the individual or group assuming ownership, and with the intent of the individual or group relinquishing the cat or dog to the animal rescue organization or a suitable owner when one is located. A foster home may provide care to a cat or dog without the effect of the fostered cat or dog counting toward a municipality's household pet limit (should one exist); however individuals or groups providing care in a foster home must comply with all other provisions of this Ordinance.

FOWL: Any chicken, turkey, geese, duck, emu, ostrich or any other fowl customarily found on a farm, and pigeons.

GOVERNING BODY: the Borough Council of the Borough of Merchantville.

HARBOR: the act of caring for and keeping an animal or the act of providing a premise or residence to which the animal returns for food, shelter or care, where the caregiver is providing the primary source of sustenance for the animal for at least ten days, whichever time is shorter. Community cat caregivers do not harbor community cats for the purposes of this ordinance, but are subject to the provisions of the Ordinance pertaining to community cats.

KENNEL: any establishment wherein-or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

LIVESTOCK: Any bull, cow, calf, heifer, sheep, llama, goat, horse, pony, swine or any other animal customarily found on a farm.

MICROCHIP: an electronic animal identification device that is inserted into an animal, typically on the back between the shoulder blades, by a veterinarian in accordance with professional medical standards.

MUNICIPALITY: The Borough of Merchantville or, the "Borough."

NEUTER: to have a licensed veterinarian surgically sterilize the animal. For the purposes of this Ordinance, neuter shall mean to neuter a male animal or spay a female animal.

NUISANCE: disturbing the peace by:

1. Habitual or continuous howling, barking, crying or screaming; or
2. The habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property, in particular, the creation of conditions leading to the excessive breeding of fleas or flies, odors or noises; or
3. Habitually chasing motor vehicles or other vehicles; or
4. Habitually chasing or otherwise molesting passersby; or
5. Habitually trespassing upon public or private grounds

For the purpose of this Ordinance: (1) "habitually" means occurring on at least two separate occasions within a time period of one month; except that barking, howling, crying or screaming habitually, means making the sound persistently or continuously for at least 30 minutes occurring at least three separate times within a period of eight hours; (2) "persistently" or "continuously" shall mean non-stop utterances for 30 consecutive minutes with interruption of less than 30 seconds at a time.

OWNER: any person, household, firm, corporation, or other organization who:

1. Possesses, harbors, keeps, has control of, a legal title to, a property interest in, or permanent custody of any animal regulated by this ordinance; or
2. For three days or more has temporary custody of, keeps, possesses, or exercises control over any animal.

A person must be age 18 or older to be considered the legal owner of an animal. If a person under age 18 is considered the custodian or caretaker of the animal, the parent or legal guardian shall be considered the legal owner of the animal. A community cat caregiver is not an owner of community cats for the purposes of this ordinance but is subject to the provisions pertaining to community cat caregivers.

PET SHOP: any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

PHYSICAL CONTROL: adequate ability to manage the actions of the animal to prevent the animal from engaging in biting, physical aggression towards people or animals, straying, being at-large or other behaviors regulated by this ordinance or state law through the use of a proper leash attached to an appropriate collar or harness. To maintain physical control, the owner of the animal must have the animal on a leash not to exceed six feet at its maximum extension.

POUND: an establishment for the confinement of dogs, cats or other animals seized or captured by a municipality or the agent of a municipality under the provisions of this ordinance, or otherwise. This term is often applied to a municipal animal control facility or a private or non-profit animal shelter that contracts with one or more municipalities to hold such animals.

PROPER SHELTER: a structure that:

1. protects an animal from weather and is sufficiently ventilated and insulated to provide refuge from precipitation, wind, extreme temperature and direct sunlight; and
2. is fully enclosed with walls on three sides, with a fourth wall having an entranceway large enough to allow the animal to enter and exit comfortably, but not so large as to allow all heat to escape in cold temperatures; and
3. has a solid, waterproof roof; and
4. has a solid floor that does not sag under the animal's weight; and
5. has a door or flap covering the entranceway during temperatures of 40 degrees or below; and

6. is positioned at a sufficient elevation to prevent water from running into the structure; and
7. is small enough to retain the animal's body heat in cold weather and large enough for the animal to stand, turn around and lay down in comfortably; and
8. is sturdy and structurally sound and in good repair; and
9. if it contains bedding such bedding shall be clean and dry; and
10. is surrounded by an area of at least five (5) feet that is clear of debris, feces, and urine.

SEVERE INJURY: any physical injury that results in one or more broken bones or one or more lacerations requiring sutures, or an injury requiring reconstructive or plastic surgery.

SHELTER: any establishment where dogs or other animals are received, housed and distributed.

SPONSOR: an individual or organization which registers with Merchantville, oversees the implementation of TNR in Merchantville, offers services to caregivers and community cat colonies, and works to resolve community cat nuisance complaints in accordance with the provisions of this Ordinance.

STRAY: any animal that is found to be at-large, whether lost by its owner or otherwise, or that is on the common areas of apartments, condominiums, trailer parks or other multi-residential premises, and that does not have identification tag and for which there is no identifiable owner. The term "stray" shall not be applied to community cats managed in accordance with this Ordinance.

SUFFICIENT FOOD: access to uncontaminated, palatable food, appropriate for the species of animal, on a regular, ongoing basis in quantities sufficient to maintain a regular body weight as determined by Purina Body Score System or a veterinarian.

SUFFICIENT WATER: access to clean, potable water on a regular, ongoing basis in quantities sufficient to prevent the animal from experiencing dehydration.

TNR: Trap-Neuter-Return

TNR PROGRAM: a program pursuant to which community feral and stray cats are humanely trapped, spayed or neutered, vaccinated against rabies, and returned to the location at which they were trapped. A cat may receive a microchip as part of a TNR Program.

TRAP/HUMANE TRAP: any trap used to capture stray dogs or cats that is constructed so that it does not harm the animal.

VETERINARIAN: an individual who is licensed to engage in the practice of veterinary medicine in the State of New Jersey.

ARTICLE II. SECTION 9-2 General provisions.

A. No person shall keep an animal on a property in a manner that causes one or more of the following: unsanitary conditions; infestation by insects or rodents; physical conditions that endanger the health or safety of humans.

B. No person shall maintain or feed any animal, domesticated or wild, in a manner that causes one or more of the following: unsanitary conditions; infestation by insects or rodents; physical conditions that endanger the health or safety of humans.

C. Community cat colonies shall be permitted, and caregivers shall be entitled to maintain them, in accordance with the terms and conditions of this Chapter.

ARTICLE III. SECTION 9-3 Responsibilities of owners of animals.

A. Owners of animals shall provide for those animals sufficient food; sufficient water; proper shelter and protection from weather; sufficient space for exercise; veterinary care as needed to prevent suffering; grooming as needed to prevent suffering; and humane care and treatment.

B. The owner of a domesticated animal shall exercise reasonable care to guard against the animal creating a nuisance.

C. The owner of a sexually intact (unneutered) domesticated animal shall not permit his/her animal to roam unsupervised.

D. An owner shall not abandon a domesticated animal in any private or public place.

E. An owner of a domesticated animal shall ensure that the animal is not at-large.

**ARTICLE IV. SECTION 9-4 Community Cat Management Initiatives;
TNR Program**

A. Purpose: The Borough believes that the safest place for pet cats is indoors. The Borough also recognizes that feral and community cats, as defined in this Chapter, are not, in the vast majority of cases, suitable to be taken indoors as pets, and their home is outdoors. The town further recognizes the need for innovation in addressing the issues presented by community cats. To that end, the Borough finds that properly managed community cats are part of the solution to reducing the numbers of feral cats in the Borough and the rate of euthanasia of cats in area shelters. Community cat colonies shall be permitted in Merchantville as part of a community cat management/TNR Program in accordance with the following provisions.

B. Sponsors of TNR Programs: Merchantville shall select a private non-profit 501(c)(3) animal welfare organization to serve as the lead Sponsor of the community cat management/TNR program. The lead Sponsor shall oversee the activities of secondary sponsors and Community Cat Caregivers in accordance with a Memorandum of Understanding between Merchantville and the selected non-profit organization. Individuals and organizations may apply to the lead Sponsor to serve as additional program Sponsors. Any person or entity intending to undertake the

responsibilities of secondary Sponsor shall advise the lead Sponsor in writing and provide his/her/its address, e-mail address and telephone number.

C. The lead Sponsor shall designate two individuals, labelled as “primary feeder” and “secondary feeder,” each of whom shall bear the responsibility of feeding the identified Community Cat Colony. No other person shall feed the identified Community Cat Colony unless so designated by the lead Sponsor.

D. Community Cat Caregivers: Community Cat Caregivers must ensure community cats are sterilized, vaccinated against the threat of rabies, and ear-tipped, and must cooperate with the Municipality and the Sponsor to abate any nuisance. Community Cat Caregivers are encouraged to register with a Sponsor and follow best practices of community cat care.

E. Location of Community Cat Colonies: All managed community cat colonies must be maintained in compliance with trespassing and property laws.

F. Requirements for exemptions from certain provisions of this Chapter: All cats that are part of an approved TNR/community cat program pursuant to this Chapter must be sterilized, vaccinated against the threat of rabies, and ear-tipped for easy identification. If these requirements are met the community cat is exempted from licensing, stray and at-large provisions of this Ordinance.

ARTICLE V. SECTION 9-5 Trapping of cats by non-Community Cat Caregivers.

Trapping of community cats by those who are not community cat caregivers as defined in this

Ordinance, Sponsors, animal control officers employed by the municipality, or members of law enforcement, is prohibited unless the person trapping the cats is doing so for the purpose of providing medical attention for a sick or injured cat or for the purpose of TNR. Persons who trap free-roaming cats for the purpose of TNR must comply with the provisions of this Ordinance.

ARTICLE VI. SECTION 9-6 Disposition ear-tipped community cats.

A. Injured or sick ear-tipped cats trapped by animal control officer: If an animal control officer traps an injured or sick ear-tipped cat that requires medical attention, the animal control officer shall take the cat to a pound, to scan the cat for a microchip. If a microchip is found which identifies the cat or cat's colony, the officer shall contact the Sponsor or community cat caregiver of the cat who shall then arrange for medical attention. If the injured or sick cat does not have a microchip and cannot otherwise be identified by the animal control officer, the animal control officer shall contact the Sponsor who will arrange for the cat to receive medical attention and, return the cat to the appropriate colony or place the cat in another appropriate placement.

B. Ear tipped cats inadvertently trapped by animal control: An animal control officer who traps an apparently healthy ear-tipped cat shall immediately release the cat.

C. Ear tipped cats deliberately trapped by animal control; community cat caretaker/Sponsor responsible for nuisance abatement: An animal control officer, who deliberately traps an ear-tipped cat, shall scan the cat for a microchip.

1. If a full scan is not possible in the field due to fractious behavior, the officer

shall take the cat to a shelter or holding facility to scan the cat for a microchip. If a microchip is found which identifies the cat or cat's colony, or if the officer is able to identify the cat by another means, the officer shall contact the Sponsor or community cat caregiver of the cat with a description of the cat, the microchip number, the location where the cat was trapped, and the nuisance complaint which caused the animal control officer to set the trap. The caregiver or Sponsor shall retrieve the cat and return the cat to its colony and undertake nuisance abatement efforts.

2. If the caregiver or Sponsor is not able to immediately take custody of the cat, the officer shall return the cat to the appropriate colony.

3. If the cat does not have a microchip and cannot otherwise be identified by the Sponsor or a community cat caregiver, the animal control officer shall contact the Sponsor so the cat can be placed in an appropriate colony placement.

D. Community cats suspected to be rabid: If a trapped community cat is suspected of being rabid, the animal shall be immediately reported to the Board of Health and to the Department of Health and Senior Services, and shall be quarantined, observed, and otherwise handled and dealt with as appropriate for an animal suspected of being rabid or as required by the Department of Health and Senior Services for such animals.

ARTICLE VII. SECTION 9-7 Resolution of Complaints; Procedures.

A. The requirements of this article notwithstanding, animal control officers and police officers may investigate any nuisance complaint. If an animal control officer or police officer

determines that an ear-tipped community cat is causing a nuisance as defined by this article, the animal control officer or police officer shall contact the Sponsor. The Sponsor shall begin nuisance abatement procedures within 48 hours and make all reasonable efforts to resolve the nuisance in as short a time period as possible, not to exceed 60 days. If the Sponsor fails to resolve the nuisance or remove the cat within 60 days, the animal control officer may remove the cat. If an animal control officer removes a community cat, the municipality must notify the Sponsor or community cat caregiver and allow the Sponsor or caregiver to retrieve the cat from the pound for adoption or relocation. If an animal control officer or police officer reasonably determines that a cat is injured or poses a significant threat to public health, the officer may reduce the time that the Sponsor has to resolve the complaint, as necessary to protect the cat and public health, before taking further action. In the case of an emergency, the animal control officer or police officer may remove the cat, but within 24 hours the municipality must provide the Sponsor with notice of the cat's whereabouts and allow the Sponsor an opportunity to retrieve the cat for treatment, return, or relocation.

B. Factors to be considered during the nuisance abatement process shall include:

1. Recognition of the value of wildlife;
2. Recognition of the value of TNR in managing community cat colonies;
3. The availability of devices and strategies to minimize nuisance behavior by

community cats that may have caused the complaint.

ARTICLE VIII.

SECTION 9-8

**Enforcement of Community Cat
Management Initiative/TNR Program**

Merchantville shall have the following rights:

A. The right to seize or remove cats from a colony which have not been vaccinated against rabies and which are demonstrating signs of the disease.

B. The right to seize or remove a cat from a colony which is creating a nuisance as defined in this Ordinance, after the community cat caregiver and Sponsor have been given 60 days to abate the nuisance or remove and relocate the cat and have failed to do so. The caregiver must begin nuisance abatement procedures within 48 hours after being notified of a nuisance by an animal control officer and must take all reasonable steps to resolve the nuisance in as short a time as possible, not to exceed 60 days.

C. The right to seize or remove a cat or colony of cats when the community cat caregiver regularly fails to comply with the colony care requirements of this Chapter and the Sponsor has not been able to obtain a replacement or substitute caregiver within 30 days of the Merchantville's notice to the caregiver and Sponsor of failure to comply with this Chapter. If one or more cats are in danger due to a caregiver's lack of compliance, the Sponsor may work with other local caregivers to find a suitable replacement caregiver or relocate the cats.

ARTICLE IX.

SECTION 9-9

Trapping Requirements.

It shall be unlawful for any person to use inhumane methods to capture dogs or cats. Traps and the trapping of dogs or cats must meet the following requirements:

- A. Traps shall not be left unattended for more than two hours
- B. Traps shall not be left set overnight unless traps are checked at least every two hours;
- C. Traps shall not be left unattended for any length of time in temperatures below forty-five (45) degrees Fahrenheit or above 80 degrees Fahrenheit; in rain or snow; or in any other extreme weather; and
- D. Traps utilized to capture dogs or cats shall be humane traps.

ARTICLE X. SECTION 9-10 Trap to Euthanize.

The practice of trapping cats and/or dogs for the purpose of euthanizing the animal shall be unlawful except in cases of serious disease or injury as determined by a licensed veterinarian. Further, it shall be unlawful to employ or to be employed for the express purpose of trapping and killing free-roaming cats and dogs as a means to eliminate a nuisance. This section shall not prohibit an animal control officer or police officer from carrying out their lawful duties as otherwise specifically permitted under this Chapter.

ARTICLE XI. SECTION 9-11 Animals at-large prohibited.

No owner or person having temporary custody of any animal shall permit the animal to be, or fail to provide physical control to restrain the animal from being, at-large. Dogs on leashes extending beyond six feet shall be considered at-large for provisions of this ordinance, but it shall only be a violation if the owner or person having temporary custody of the dog on a leash extending beyond

six feet is also violating another provision of this Ordinance.

A. A dog shall be considered exempt from the at-large provision if:

1. the dog is engaged in the performance of duties while under the supervision and control of law enforcement officials performing law enforcement work; or

2. the dog is engaged in any legal hunt or training procedure, including training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials and herding trials; however, such dogs at all other times and in all other respects shall be subject to this Chapter; or

3. The dog is in a Merchantville or County-designated or legally established, private "off-leash" dog park and is under the supervision of the owner or a responsible person.

B. A cat shall be considered exempt from these provisions if:

1. The cat is part of an approved community cat management/TNR program in accordance with this Ordinance.

ARTICLE XII. SECTION 9-12 Abandonment of animal.

No person may desert or abandon any animal at any public or private location. The practice of TNR and the provision of care to a community cat in accordance with the provisions of this Ordinance do not constitute desertion or abandonment of the community cat. However, the placement of a cat at a community cat colony by a person other than the community cat caregiver or Sponsor constitutes abandonment.

ARTICLE XIII. SECTION 9-13

Control of waste and clean-up; exemption.

A. No person owning, possessing, harboring, keeping, walking or in custody or charge of any dog shall cause, suffer, permit or allow such dog to soil, defile, defecate or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park, school ground or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of said property; provided however, that it shall be a complete defense to a violation of this section that such person immediately removed and disposed of all feces and droppings deposited by said dog in a suitable and sanitary manner.

B. Any person owning, possessing, harboring, keeping, walking or in custody or charge of any dog shall have in his or her possession appropriate sanitary means to remove immediately any feces and droppings which may be deposited by such dog on or in the areas enumerated or described in subsection A, above. Such means shall include, but are not limited to a scooper, shovel, container, disposal bag, wrapper or other implement.

C. Disposal in a suitable and sanitary manner shall include but shall not be limited to taking the removed feces and droppings home in a container, disposal bag or wrapper and placing the same in a trash can or removing the same from the container, bag or wrapper and depositing the same in the sanitary sewer. In no event shall disposal in a suitable and sanitary manner include the placement of unwrapped feces or droppings in a trash can, or the placement or disposal into a storm sewer or the burial of said feces or droppings on or in property or areas enumerated and described in subsection A, above.

D. The prohibition contained in this Section shall not apply to any owner or keeper who requires the use of a disability assistance animal while such animal is being used for that purpose.

ARTICLE XIV. SECTION 9-14

Licensing of dogs and cats; license and registration tag required; placing tag on dog or cat; wearing tag; lost tag or registration certificate.

A. Any person residing in Merchantville who shall own, keep or harbor a dog or cat of licensing age shall annually apply for and procure from the Borough Clerk or other official designated by the Borough Council thereof to license dogs and cats, a license and official metal registration tag for each such dog or cat so owned, kept or harbored. Any such person shall place upon each such dog or cat a collar or harness with the registration tag securely fastened thereto. Any such dog or cat must wear the registration tag any time the dog or cat is not upon its owner's property. Upon proof by affidavit of the loss of a certificate or metal tag, the Borough Clerk shall issue a new certificate or tag upon payment of a fee of \$20.00.

B. These licensing requirements shall not apply to community cats in an approved community cat management/TNR program.

ARTICLE XV. SECTION 9-15

Evidence of inoculation with rabies vaccine or certification of exemption; requirement for license.

Neither the Borough Clerk or other official designated by the Borough Council to license dogs and cats therein shall grant any such license and official metal registration tag for any dog or cat

unless the owner or custodian thereof provides evidence that the dog or cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Health and Human Services, or has been certified exempt as provided by regulations of the State Department of Health and Senior Services. Such vaccination shall be repeated at intervals as provided by regulations of the State Department of Health and Senior Services, and shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same. Proof of inoculation for dogs shall be in the form prescribed by the State Department of Health and Senior Services in its regulations. Proof of inoculation for cats shall be on a certificate or form containing the rabies vaccine lot number and expiration date and the signature of the administering veterinarian.

ARTICLE XVI. SECTION 9-16

License and registration fees; expiration date of license and registration; other fees.

The owner applying for the license and registration tag shall pay the following fees:

A. A license fee of \$17.00 for a neutered dog or cat, and a license fee of \$20.00 for an unneutered dog or cat.

B. In addition to the fees assessed for each neutered and unneutered dog licensed, Merchantville shall also collect and forward \$1.20 to the State of New Jersey pursuant to N.J.S.A. 4:19-15.

C. For each unneutered dog licensed, the municipality shall collect and forward an additional \$3.00 to the State of New Jersey for deposit in the Animal Population Control Fund pursuant to N.J.5.A. 4:19-1S.3b.

D. Owners shall apply for a license and pay the appropriate license and registration fees before January 31 of each calendar year.

E. A late fee of \$20.00 shall be charged for each license not applied for by {late fee date here} of each calendar year. A non-compliance fee of \$50.00 shall be charged for each cat or dog found to be unlicensed.

F. Any person applying for a license and registration tag for a dog determined to be vicious or potentially dangerous pursuant to N.J.5.A. 4:19-17 et seq. of the laws of the State of New Jersey shall pay an annual fee of \$700.00.

G. Any person, firm or corporation may keep, possess or have custody and control of four (4) dogs or cats, or any combination thereof amounting to four (4) animals, but not including newborn dogs or cats less than six months of age who is/are the progeny of an animal or animals legally on the premises at the time of the progeny's birth, within the territorial jurisdiction of this Borough, but in no event shall the combination thereof total more than four animals to one property.

H. Any person, firm or corporation wishing to keep, possess or have custody and control of a fifth or more dog or cat under this Section may make application to the Board of Health of the Borough of Merchantville which, after the appropriate investigation, will make a recommendation to the Borough Council of the Borough of Merchantville as to whether a permit should issue to the

applicant to keep, possess or have custody and control of a fifth or more dog or cat.

**ARTICLE XVII. SECTION 9-17 "Seeing eye", "service" and "hearing ear"
Dogs.**

Dogs used as guides for blind persons and commonly known as "seeing-eye" dogs, dogs used to assist handicapped persons and commonly known as "service dogs," or dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed and registered as other dogs herein, provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

ARTICLE XVIII. SECTION 9-18 Time for applying for license

The owner of any newly-acquired dog or cat of licensing age or of any dog or cat which attains licensing age shall make application for license and registration tag for such dog or cat within ten (10) days after such acquisition or age attainment.

**ARTICLE XIX. SECTION 9-19 Dogs and cats brought from outside of the
Borough of Merchantville**

A. Only one license and registration tag shall be required in any licensing year for any dog or cat owned in New Jersey, and such license and tag shall be accepted by all municipalities as evidence of compliance with this Section. Any person who shall bring or cause to be brought into Merchantville any dog or cat licensed in another State for the current year, and bearing a registration

tag, and shall keep the same or permit the same to be kept within the State for a period of more than ninety (90) days shall immediately apply for a license and registration tag for each such dog or cat unless such dog or cat is licensed under another section of this Ordinance.

B. Any person who shall bring or cause to be brought into Merchantville any dog or cat that is not licensed in any jurisdiction and shall keep the same or permit the same to be kept within Merchantville for a period of more than thirty (30) days shall immediately apply for a license and registration tag for each such dog or cat unless such dog or cat be licensed under this Ordinance.

ARTICLE XX. SECTION 9-20

Application; contents; preservation of information, registration numbers.

The license and registration application shall state the breed, sex, age, color and markings of the dog or cat for which license and registration are sought, whether it is of a long-or short-haired variety, whether it has been neutered, and, if a dog, whether it has been surgically debarked or silenced; also the name, street and post office address and telephone number of the owner and the person who shall keep or harbor such dog or cat. The information on the application and the registration number issued for the dog or cat shall be preserved for a period of three (3) years by the Borough Clerk or other local official designated to license dogs and cats in Merchantville. Registration numbers shall be issued in the order of the applications.

ARTICLE XXI. SECTION 9-21

Removing tag from dog or cat without owner's consent; attaching tag to another dog or cat.

No person, except an officer in the performance of his duties shall remove a registration tag from the collar of any dog or cat without the consent of the owner, nor shall any person attach a registration tag to a dog or cat for which it was not issued.

ARTICLE XXII. SECTION 9-22

Vaccinations.

A. No person in Merchantville shall own, possess, harbor or have in custody any dog or cat over seven (7) months of age unless such dog or cat has been vaccinated or inoculated against rabies by a licensed veterinarian. Such vaccination or inoculation shall consist of an anti-rabies vaccine of standard and accepted quality and formula, the duration of which shall be noted on the vaccination certificate or tag. Such vaccination shall be repeated at intervals as provided by regulations of the State Department of Health and Senior Services, and shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same.

B. A cat or dog will be considered exempt from this provision if a licensed veterinarian certifies in writing that the animal's infirmity, other physical condition, or regimen of therapy exempts it from vaccination against rabies.

ARTICLE XXIII. SECTION 9-23

Unlicensed dog or cat presumed unvaccinated.

A. Any unlicensed dog or cat that is older than seven (7) months is presumed to be

unvaccinated. This presumption can be rebutted only by a current rabies vaccination certificate signed by a veterinarian or issued by an approved governmental agency.

B. A community cat that has been ear-tipped is presumed to have been vaccinated against rabies at least once.

ARTICLE XXIV. SECTION 9-24

Canvass of dogs and cats; report.

The Borough Clerk, or any person appointed for the purpose by the Borough Council, shall annually cause a canvass to be made of all dogs and cats owned, kept or harbored within the Borough limits and shall report, on or before September 1 of the year in which the census is taken, to the Borough Council, the local Board of Health, and to the State Department of Health and Human Services the results thereof. Community cats shall be excluded from the canvass.

ARTICLE XXV. SECTION 9-25

License for kennel, pet shop, shelter or pound.

A. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound shall apply to the Borough Clerk (or other official designated to license dogs) where such establishment is located, for a license entitling him to keep or operate such establishment. The application shall describe the premises where the establishment is located or is proposed to be located and the purpose or purposes for which it is to be maintained, and shall be accompanied by documentation from the local municipal and health authorities showing compliance with the local and State rules and regulations governing location of and sanitation at such

establishments.

B. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of June of each year, and be subject to revocation by Merchantville on recommendation of the State Department of Health and Senior Services or the local Board of Health for failure to comply with the rules and regulations of the State Department or local Board governing the same, after the owner has been afforded a hearing by either the State Department or local Board, except as provided by State law.

C. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments. Such licenses shall not be transferable to another owner or different premises.

D. The license for a kennel, pet shop, shelter or pound shall be subject to review by Merchantville, upon recommendation by the State Department of Health and Senior Services or the local health authority for failure by the kennel, pet shop, shelter or pound to comply with the rules and regulations of the State Department or local Health authority governing kennels, pet shops, shelters or pounds, or if the kennel, pet shop, shelter or pound meets the criteria for recommended suspension or revocation as provided by State law.

E. Merchantville, based on the criteria for the recommendation of the local health authority provided by State law, may suspend the license for 90 days or may revoke the license if it is determined at a hearing that the pet shop, kennel, shelter or pound:

1. failed to maintain proper hygiene and exercise reasonable care in safeguarding

the health of animals in its custody or

2. sold a substantial number of animals that the kennel or pet shop knew, or reasonably should have known, to be unfit for purchase.

F. The owner of a kennel, pet shop, shelter or pound must submit to a yearly inspection by municipal animal control officer, municipal health officer and/or code enforcement officer. In the event of a complaint or problem, inspection may occur every thirty (30) days until the problem is resolved. The municipality may inspect daily or weekly if deemed necessary to protect the health and welfare of the animals or humans, or in accordance with any judicial ruling if court proceedings are initiated.

G. Every kennel or pet shop licensed by Merchantville shall submit annually and no later than May 1 of each year records of the total number of cats and dogs, respectively, sold by the pet shop or kennel each year, and Merchantville shall provide this information to the local health authority.

ARTICLE XXVI. SECTION 9-26

License fees for kennels and pet shops; no fee for shelter or pound

The annual license fee for a kennel providing accommodations for ten or fewer dogs shall be \$100.00 and for more than ten (10) dogs \$150.00. The annual license fee for a pet shop shall be \$50.00. No license fee shall be charged for a shelter or pound. Additional permit and fees shall be required for facilities that breed cats or dogs as described in this Ordinance.

ARTICLE XXVII. SECTION 9-27

**Kennels, pet shops, shelters or pounds;
permitting dogs to go off premises.**

No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises, except on leash or in a crate or other safe control.

ARTICLE XXVIII. SECTION 9-28

**List of licensed kennels, pet shops, shelters
and pounds.**

The Borough Clerk, or other official designated to license dogs in Merchantville, shall forward to the State Department of Health a list of all kennels, pet shops, shelters and pounds licensed within thirty (30) days after the licenses therefor are issued, which list shall include the name and address of the licensee and the kind of license issued.

ARTICLE XXIX. SECTION 9-29

**Revocation or denial of license for individual
dog, individual cat or kennel.**

Merchantville may deny a license to, or revoke a license from, any person found violating or refusing to comply with any part of the provisions of this ordinance, including, but not limited to:

- A. Violating any animal control laws or regulations, any zoning or health and safety laws or any regulations relating to the keeping of animals; or
- B. Failing to keep and maintain in a clean and sanitary condition the premises on which the animals are kept; or
- C. Acting in an inhumane or cruel manner in the treatment of the animals; or

- D. Failing to provide any animal with sufficient food, sufficient water, proper shelter or veterinary care; or
- E. Failing to substantially comply with all conditions of the license; or
- F. Providing false information in the license application or failing to cooperate with inspection of the premises required by this Ordinance; or
- G. Failing to obtain a breeding permit for breeding cats or dogs as described in this ordinance.

ARTICLE XXX. SECTION 9-30 Breeding permits; administration.

A. Upon the enactment of this ordinance, no person who owns keeps or harbors an unneutered dog or cat shall cause or allow the production of more than one litter of puppies or kittens by any male or female dog or cat without first obtaining a breeding permit issued by Merchantville. Such breeding permit is required in addition to any license, registration or permit required under by Federal or State law, or Borough Ordinance.

B. Merchantville shall administer a permit program to allow breeding of cats and dogs consistent with the criteria and according to the procedures contained in this ordinance.

C. Each applicant who is issued a permit to breed cats or dogs under this section shall pay a breeding permit fee of \$50.00 per year for owning, keeping or harboring one (1) unneutered female that has already borne one litter since the enactment of this Chapter and/or one (1) unneutered male and one (1) unneutered female. For applicants owning, keeping or harboring four (4) or more

dogs or cats the fee shall be \$100.00 per year.

D. Breeding permits shall be valid for twelve months, renewable on an annual basis. All breeding permits shall contain the following terms and conditions and be subject to the following requirements:

1. No offspring may be sold or adopted and permanently placed until reaching an age of at least eight (8) weeks.

2. No offspring may be sold or adopted until immunized against common diseases (feline pan leukopenia, rhinotrachitis, calicivirus for cats; canine distemper, adenovirus type 2, parvovirus, Para influenza for dogs), or until they have begun a course of disease prevention under the direction of a State of New Jersey licensed veterinarian.

3. Any permit holder advertising to the public the availability of any animal for adoption or sale must prominently display the permit number in any publications in which they advertise. Further, the permit number must be provided to any person adopting or purchasing an animal bred by the permit holder.

4. The breeding permit holder shall adhere to minimum standards regarding the care and keeping of animals developed and approved by the State of New Jersey and this ordinance.

5. The permit holder shall submit to a yearly inspection by an animal control officer, municipal health officer and/or code enforcement officer. In the event of a complaint or problem, inspection may occur every 30 days until the problem is resolved. Merchantville may inspect daily or weekly if deemed necessary to protect the health and welfare of the animals or

humans, or in accordance with any judicial ruling if court proceedings are initiated.

6. If within one year of placement a new owner becomes unable or unwilling to continue ownership and responsibility for an animal which is the offspring of a cat or dog of the permit holder, the permit holder shall assist in placement of the animal. If no suitable placement can be found within 30 days, the permit holder shall accept return of the animal and shall become fully responsible for its care.

ARTICLE XXXI. SECTION 9-31

Application for and issuance of breeding permit.

The application shall include the name of the applicant, his or her residence address and telephone number, the address of the proposed location where the animals are to be kept if different from applicant's address, and a description of the housing facilities for the keeping of the animals. The application shall also state the number of unneutered dogs and/or cats to be kept. Merchantville may require the applicant to provide any other information it reasonably deems necessary to properly evaluate the application.

A. An application for a breeding permit shall include a signed statement from the applicant attesting that:

1. Keeping of the animals at the proposed location will not violate any federal, state or local law;
2. Appropriate facilities of sufficient size exist at the proposed location to safely and adequately secure, feed, house, exercise and maintain the animals;

3. The proposed location consists of a lot or lots of sufficient size to safely and adequately house, maintain and exercise the animals without disturbance to adjacent property owners or the public;

4. Possession and maintenance of the animals at the proposed location will not result in the animals being subject to neglect, cruelty, or abuse;

5. The applicant has neither had any animal license or permit revoked, nor has been convicted of any violation of any provision of this Chapter or any other state or local law pertaining to the maintenance and treatment of animals, within the past five (5) years;

6. The keeping and maintenance of the animal will not create a public or private nuisance or endanger the public health, safety or welfare; and

7. The keeping of the animals at the proposed location complies with all Merchantville zoning regulations.

B. Merchantville may investigate or require any further information or documentation which would assist in determining whether the statements made by the applicant are correct and whether the permit should be issued.

ARTICLE XXXII. SECTION 9-32

Breeding permit conditions.

A. Any permit issued under this Chapter shall be made expressly subject to the following conditions:

1. The permit holder shall provide veterinary care as needed and make every

effort to keep all animals free of disease and parasites;

2. The permit holder shall keep the animals' living quarters clean and sanitary, shall provide sufficient food, sufficient water, appropriate exercise and proper shelter;

3. Any structures housing animals shall be of a sufficient size to ensure the health, safety and comfort of the animals as per New Jersey law and shall be placed at least six (6) feet from any property boundaries in residential areas;

4. Any other conditions which Merchantville or the Department of Health and Senior Services or the State of New Jersey determines is reasonably necessary to protect the welfare of the animals kept or the public, health, safety or welfare.

B. The breeding permit fee established under this Chapter shall be paid by the applicant prior to issuance of the permit. Such fee shall be paid each time a permit is issued or renewed.

ARTICLE XXXIII. SECTION 9-33

Inspections relating to a breeding permit.

A. The Borough, or an animal control officer or law enforcement officer, may require any breeding permit holder to produce for inspection any required animal license, permit or certificate of vaccination.'

B. The Borough, or an animal control officer or law enforcement officer may, with 48 hours' notice to the permit holder, conduct such inspections of the premises upon which animals are kept under a breeding permit, as necessary to insure compliance with the conditions of the permit.

C. Such inspection of the premises shall be on a yearly basis and/or may result from

concerns stemming from the direct observations of an animal control officer, law enforcement officer or upon a non-anonymous compliant.

ARTICLE XXXIV. SECTION 9-34

Expiration and renewal of breeding permits.

- A. Breeding permits issued under this Chapter shall expire one (1) year after issuance.
- B. Breeding permits may be renewed on an annual basis upon filing of a new application containing updated information and payment of the annual breeding permit fee established by this Chapter.
- C. No breeding permit shall be renewed if the Borough, or an animal control officer or law enforcement officer, has received two or more substantiated complaints concerning the location or manner of keeping of the animals or determines that the findings set forth in section cannot be made or that any of the grounds for revocation described in this Chapter exist.

ARTICLE XXXV. SECTION 9-35

Revocation of breeding permit.

- A. Any breeding permit issued pursuant to this Chapter may be revoked if an animal control officer or law enforcement officer has reasonable cause to believe any of the following to be true:
 - 1. The permittee has violated any ordinances or statutes relating to the keeping, care or use of any animal including, but not limited to, those contained in this Chapter and those contained in the statutes of the State of New Jersey;

2. The permittee is in violation of any State health or safety law or regulation regarding animal care or control;

3. The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this code;

4. The permittee refused to allow inspection, upon forty-eight hours written notice, of any animal covered by the permit or the premises on which the animal is kept;

5. The permittee has transferred, sold or otherwise disposed of the animal for which the permit was issued;

6. The permittee has acted in an inhumane or cruel manner in the treatment of animals; or

7. The permittee provided false information in the license application.

B. If, after inspection, an animal control officer or law enforcement officer-concludes that one or more of the above grounds for revocation has occurred, the officer may modify the terms of the permit or revoke the permit. The officer shall cause written notice thereafter be transmitted by mail to the address of the permittee. Said notice shall specify the grounds for modification or revocation of the permit.

ARTICLE XXXVI. SECTION 9-36

Sale or adoption of cats or dogs or wolf hybrids.

A. Any person who provides or offers to the public, whether or not for compensation,

any cat or dog, or wolf hybrid shall provide to their clients, free of charge, information, relating to pet care and ownership, including information where applicable, on Borough Ordinances pertaining to animal control. This required information will be prepared and provided by the Borough upon request.

B. Any person offering cats, dogs, or wolf hybrids for sale or adoption shall disclose to any purchaser information regarding the licensing, registration or permit requirements of the Borough applicable to such animal.

C. No person shall offer for sale or adoption any cat, dog, or wolf hybrid on any public street, sidewalk or public park unless such person first obtains a business license to sell pets or is a recognized pet rescue/adoption agency.

D. Prior to release for adoption, any animal adopted from any shelter, animal rescue organization or pound shall be spayed or neutered unless the shelter or pound obtains a certificate from a licensed veterinarian certifying as to the health reasons for failing to alter such animal.

ARTICLE XXXVII. SECTION 9-37

Disposition of fees collected.

A. License fees and other money collected or received under the provisions of this ordinance, except for those fees which are forwarded to the State of New Jersey, or which are received as donations pursuant to the request for donation on the dog and cat license application form, shall be forwarded to the Borough Treasurer and shall be placed in a special account separate from any of the other accounts and shall be used for the following purposes:

1. For collecting, keeping and impounding of dogs and cats liable to seizure under this ordinance;
2. For local prevention and control of rabies;
3. For payment of damage to or losses of poultry and domestic animals, except dogs and cats, caused by unknown dog or dogs;
4. For canvass of unlicensed dogs as prescribed by the State of New Jersey.
5. For administering the provisions of this ordinance; and
6. For providing dog and cat control in the Borough of Merchantville.

B Any unexpected balance remaining in such special account shall be retained until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of the said third fiscal year following, and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds of the Borough of Merchantville any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.

C. Fees collected or received under the provisions of this ordinance which are to be forwarded to the State of New Jersey shall be forwarded within thirty (30) days after collection by the Borough Clerk to the State Department of Health and Senior Services.

D. Money received as donations pursuant to the request for donations on the dog and cat license application form shall be placed into a separate account and used solely for:

1. Neutering or other veterinary care of impounded animals;
2. Neutering or other veterinary care of community cats; and
3. Neutering or other veterinary care of cats or dogs whose owners receive a means-tested public benefit.

ARTICLE XXXVIII. SECTION 9-38 Impounding or taking dogs or other animals into custody; grounds.

The animal control officer appointed for the purpose by the Borough shall take into custody and impound or cause to be taken into custody and impounded, and thereafter offered for adoption or given appropriate final disposition as provided in this section:

- A. Any dog off the premises of the owner or of the person charged with the care of the dog, which is reasonably believed to be a stray dog; or
- B. Any dog off the premises of the owner or the person charged with the care of the dog without a current registration tag on its collar or elsewhere; or
- C. Any female dog in season off the premises of the owner or the person charged with the care of the dog; or
- D. Any dog or other animal which is suspected to be rabid; or
- E. Any dog or other animal off the premises of the owner or the person charged with its care that is reported to, or observed by, a certified animal control officer to be ill, injured, or creating a threat to public health, safety or welfare.

F. An exception to the provisions of this Section is made for any cat or cats that are part of an approved community cat management/TNR program, which shall be handled subject to the provisions of this Chapter pertaining to community cats.

ARTICLE XXXIX. SECTION 9-39

Animal Control Officer shall attempt to return animals to owners or caregivers in the field.

A. Upon capturing an animal that bears a registration tag or private ID tag or tattoo, an animal control officer shall make every reasonable effort to contact the owner or caregiver listed on the tag or associated with the registration or tattoo and shall make every reasonable effort to return the animal to its owner or caregiver while in the field; that is, without transporting the animal to an animal control facility. If it is not reasonably possible to return the animal to the owner or caregiver while in the field, the animal control officer will follow normal notification and impounding procedures according to the provisions of this Chapter.

B. Upon capturing an animal that does not bear a registration tag or private ID tag, the animal control officer shall carefully scan the animal for a microchip using a universal scanner. If a microchip is found, the animal control officer shall make every reasonable effort to contact the microchip company to obtain contact information for the owner or caregiver and shall then make every reasonable effort to contact the owner or caregiver and return the animal to its owner or caregiver while in the field; that is, without transporting the animal to the animal control facility. If it

is not reasonably safe or possible to return the animal to the owner or caregiver while in the field, the animal control officer will follow notification and impounding procedures according to the provisions of this Chapter.

C. The impounding shelter and/or animal control officer may make a reasonable inquiry in the immediate vicinity in which a stray animal is picked up in order to locate the owner or caregiver, if any, of a stray animal.

ARTICLE XL. SECTION 9-40

Attempts by shelter to identify owner or caregiver based on microchip prior to adoption, euthanasia.

A. When a shelter, pound, or kennel operating as a shelter or pound, or animal rescue organization facility receives a cat or dog for which the identity of the owner or caregiver is not known, the shelter or rescue organization shall carefully scan the animal for microchip identification using a universal scanner.

B. Prior to release of any cat or dog for adoption, transfer to another facility or foster home, or euthanasia of the cat or dog, the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall, if the identity Of the owner or caregiver is not known, scan the cat or dog for microchip identification.

C. If either scan required pursuant to subsection 2 of this section reveals information concerning the owner or caregiver of the cat or dog, the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall immediately seek to contact and notify the

owner or caregiver of the whereabouts of the cat or dog. Furthermore, if microchip identification is found, the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall hold the animal for at least seven (7) days after the notification to the owner or caregiver.

ARTICLE XLI. SECTION 9-41 Notice to owner/caregiver of impoundment.

A. If any animal so seized bears a microchip or wears a collar or harness having inscribed thereon or attached thereto the name and address of any person, or bears a registration tag or a private ID tag, or the owner or the caregiver or the person keeping or harboring said animal is known, any person authorized by the Borough Council shall forthwith serve on the person whose address is given on the collar, harness or tag, or on the person whose contact information is associated with the microchip, or on the owner or the caregiver or the person keeping or harboring said animal, if known, a notice in writing stating that the animal has been seized and will be liable to be offered for adoption or destroyed if not claimed within seven (7) days after the service of the notice.

B. A notice under this section may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known place of abode or at the address given on the collar, harness, microchip or tag, or by forwarding it by post in a prepaid letter addressed to that person at the person's usual or last known place of abode or at the address given on the collar, harness, microchip or tag.

C. In the case of an impounded ear-tipped cat, if the community cat caregiver is not known, the Sponsor shall be notified. The Sponsor is authorized to reclaim an ear-tipped cat on behalf of the caregiver.

ARTICLE XLII. SECTION 9-42

**Holding period established; adoption;
other disposition of animal.**

A. An animal shelter, pound, or kennel operating as an animal shelter or pound receiving an animal from a certified animal control officer for the Borough, or from any other individual, group, or organization, shall hold the animal for at least seven (7) days, and excluding official holidays recognized by Camden County or when the shelter is otherwise closed to the public due to an unexpected event, before offering it for adoption, or euthanizing, relocating, or sterilizing the animal except if:

1. the animal is surrendered voluntarily by its owner to the animal shelter, pound, or kennel operating as an animal shelter or pound, in which case the provisions of “voluntary surrender by owner” section shall apply; or

2. the animal is suspected of being rabid, in which case the animal shall be immediately reported to the executive officer of the local board of health and to the Department of Health and Senior Services, and shall be quarantined, observed, and otherwise handled and dealt with as appropriate for an animal suspected of being rabid or as required by the Department of Health and Senior Services for such animals; or

3. the animal is an ear-tipped community cat, in which case the provisions of the

“disposition of ear-tipped community cats” section of this Chapter shall apply.

B. Except as otherwise provided for under subsection 1 of section [Voluntary surrender by owner], under section [Disposition of feral cats and community cats], and under subsection 5 of this section, no shelter, pound, or kennel operating as a shelter or pound receiving an animal from a certified animal control officer may transfer the animal to an animal rescue organization facility or a foster home until the shelter, pound, or kennel operating as a shelter or pound has held the animal for at least seven days.

C. If the animal remains unclaimed, is not claimed due to the failure of the owner or other person to comply with the requirements of this section, or is not adopted after seven days after the date on which notice is served pursuant to section [Notice to owner or caregiver of impoundment) or, if no notice can be served, not less than seven days after the date on which the animal was impounded, the impounded animal may be offered for adoption, placed in a foster home, transferred to another shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility, or humanely euthanized.

D. At the time of adoption, the right of ownership in the animal shall transfer to the new owner.

E. Feral cats brought in by the public or by animal control officers or other law enforcement officials in traps for the purpose of TNR shall be spayed/neutered, vaccinated against rabies, ear-tipped on the left ear, and returned to the location at which they were trapped/caught. The Sponsor shall be notified of the location of the neutered and returned feral cat. If return to the

location at which a cat was trapped is considered truly dangerous to the cat's well-being, or return is otherwise deemed impossible; the cat will be relocated with the approval by the animal control officer or Sponsor.

ARTICLE XLIII. SECTION 9-43

Voluntary surrender by owner.

A. If an animal shelter, pound or kennel operating as an animal shelter or pound is not required to hold an animal for at least seven days pursuant to Paragraph 1(a) of section, the animal shelter, pound, or kennel operating as an animal shelter or pound:

1. shall offer the animal for adoption for at least seven days before euthanizing it;
- or
2. may transfer the animal to an animal rescue organization facility or a foster home prior to offering it for adoption if such a transfer is determined to be in the best interest of the animal by the shelter, pound, or kennel operating as a shelter or pound.

B. Every owner who voluntarily surrenders an animal must provide photo identification and sign a form acknowledging that the surrender is voluntary and acknowledging the discretion of the animal shelter to dispose of the animal. The Borough, pounds, animal control officers and shelters are not required by state law to accept owner-surrendered animals. The animal shelter shall not be liable for the disposition of any voluntarily surrendered animal after receipt of the animal from its owner.

C. Owners surrendering animals shall be responsible for paying an intake fee, and should

the animal(s) not be current on vaccination required by the shelter, vaccination fees shall also be paid by the owner wishing to surrender his/her animal(s). The animal shelter may also require owners surrendering unaltered animals to be responsible for paying fees for spaying/neutering the animal(s).

D. Owners wishing to surrender an animal with the request for euthanasia shall be allowed to do so at the discretion of the animal shelter. It is not the policy or practice of animal shelters to supply "on-demand" euthanasia procedures, but in the interest of relieving a suffering animal, an animal shelter may provide the service for a fee or at no charge, at its sole discretion.

ARTICLE XLIV. SECTION 9-44 Proper identification for redemption.

If the owner or the person charged with the care of the animal seeks to claim it within seven days, or after the seven (7) days have elapsed but before the animal has been adopted or euthanized, the shelter, pound, or kennel operating as a shelter or pound shall, in the case of a cat or dog, release it to the owner or person charged with its care, provided the owner or person charged with the care of the animal provides proof of ownership, which may include a valid cat or dog license, registration, rabies inoculation certificate, documentation from the owner's veterinarian that the cat or dog has received regular care from that veterinarian, or a photograph of the animal. If a person provides a photograph of the animal as proof of ownership, the person must also provide personal photo identification.

ARTICLE XLV. SECTION 9-45 Proper identification for adoption.

In order to adopt an animal from an animal control shelter, pound, or kennel operating as a shelter or pound, a person must be at least 18 years of age and provide photo identification.

ARTICLE XLVI. SECTION 9-46

Rabies vaccination required for adoption or redemption.

All dogs, cats and ferrets must have current rabies vaccinations in order to be redeemed or adopted. This requirement may only be waived if the owner can produce to the animal control shelter a rabies vaccination certificate from a veterinarian and any other information necessary in order for the animal control shelter to determine that the animal has a current vaccination or if the owner produces written certification from a licensed veterinarian that the animal's infirmity, other physical condition, or regimen of therapy exempts it from vaccination against rabies. To comply with this requirement, an animal control shelter may vaccinate any animal in its custody.

ARTICLE XLVII. SECTION 9-47

Licensing at adoption or redemption from an animal control shelter or pound.

In addition to any applicable fees required by this Chapter for adoption or redemption:

A. If a cat or dog being redeemed is currently licensed and registered, the owner must present the license and registration at the time of redemption.

B. If a person redeeming a cat or dog resides in the State of New Jersey and does not present proof of a current license and registration at the time of redemption, he or she must sign a statement indicating an understanding that the pound will forward information about the redemption,

including but not limited to the owner's name, address, phone number, e-mail address and animal description, to the municipality in which the redeemer resides. The municipality in which the owner resides may use this information to contact the owner about obtaining a license for the cat or dog.

C. This provision shall not apply to a Sponsor or Community Cat Caregiver redeeming an ear-tipped community cat.

ARTICLE XLVIII. SECTION 9-48

Sterilization of animals being adopted.

A. An animal adopted, transferred or given away from any animal control facility, animal shelter or rescue organization or private individual in Camden County seeking to adopt, transfer, exchange, foster, give away or otherwise find a home for homeless or unwanted animals, shall be sterilized by a veterinarian prior to the adoption. The animal shelter or rescue organization may require the new pet owner to pay for the cost of sterilization.

B. This requirement shall not apply when a veterinarian determines that sterilization would endanger the animal's health due to its age, infirmity, disability or illness. In such case, the owner or adopter shall sign a written agreement that sterilization shall be performed as soon as health permits, or the veterinarian shall provide a written statement indicating that sterilization is not advised due to age or other concerns.

ARTICLE XLIX. SECTION 9-49

Redemption by owner; owner to bear expenses.

A. The owner of any animal, be it domestic, exotic, wild or farm animal, that is

apprehended or impounded by animal control or police, is responsible for any damages or expenses pertaining to it.

B. Except as otherwise provided in this Ordinance, the owner of any apprehended or impounded animal may redeem the animal upon payment to the impounding shelter of expenses or damages pertaining to the animal including, but not limited to:

1. An intake and/or reclaim fee for each animal redeemed;
2. A boarding/maintenance fee, not to exceed \$_____, per animal, per day;
3. All veterinary charges, drug and medical expenses and other expenses for the care or treatment of the animal;
4. The cost of microchip implantation and a rabies vaccine, if applicable;
5. The cost of license and registration, if applicable;
6. All outstanding fines and final judgments, except for any fine of which a timely appeal is pending.

C. At the request of the owner the Impounding shelter shall provide an itemized list of charges.

ARTICLE L. SECTION 9-50 "Adoption Fee" Option for Unaltered Cats and Dogs Impounded for Being At-Large.

In lieu of paying the fees associated with impound (itemized above labeled "a" through "d" in the section ("Redemption by owner; owner to bear expenses")), an owner or caregiver reclaiming an unaltered cat or dog that was impounded for being at-large can choose to pay the equivalent of the

municipality's or pound's adoption fee for dogs or cats. The adoption fee includes spaying/neutering, microchip, applicable vaccines, and a heartworm test.

1. If the owner or caregiver chooses to pay the equivalent of the adoption fee" the owner or caregiver is still responsible for paying the fees itemized above labeled "e" through "f" in the section "Redemption by owner; owner to bear expenses."

2. If an owner or caregiver chooses to reclaim his/her unaltered cat or dog, and if that animal is picked up for being at-large 3 times in a calendar year, the animal is declared a public nuisance and neutering, at the owner's expense, becomes mandatory.

ARTICLE LI. SECTION 9-51 Habitual nuisance.

It shall be unlawful for the owner, or any person having temporary custody, of an animal or animals to permit the animal (s), either willfully or through failure to exercise due care or control, to commit a habitual nuisance as defined Article I. of this Chapter.

ARTICLE LII. SECTION 9-52 Noxious odors.

No person owning, possessing, harboring, keeping or in custody or charge of any dog or cat shall cause, suffer, permit or allow the accumulation of dog or cat feces or droppings upon his or her property or upon property occupied by him or her to the extent that the odor may be noticeable to any adjoining property owner or owners or that it creates or results in an attraction for vermin breeding or any other public health nuisance to adjoining property owners and neighbors.

ARTICLE LIII.

SECTION 9-53

Tethering of Dogs.

A. It is unlawful to chain or tether unneutered dogs in any manner and/or at any time within the Borough of Merchantville.

B. Neutered dogs may be tethered under the following circumstances:

1. The tether must be at least 15 feet long and have operative swivel on both ends, weigh no more than one-eighth ($1/8^{\text{th}}$) of the dog's weight and be attached to a properly fitting collar or harness.

2. The collar used for tethering may not be a choke chain collar, slip collar or prong collar. The tether must allow the dog access to proper shelter, sufficient food and sufficient water.

3. The tether may not be used in any area where it may become tangled around objects, such as, but not limited to, a tree, pole, fence, or stake.

4. The tether cannot inhibit the movement of the animal's limbs or cause injury, harm, entanglement or strangulation.

5. The tether must restrain the dog within the bounds of the owner's or caregiver's property.

6. The tether must terminate no less than five (5) feet from any fence, pool, wall, vehicle, tree, or other object or obstruction upon which any animal may harm itself.

7. Dogs may be tethered for no more than four consecutive hours in any twenty

four hour period of time and never between sunset and sunrise.

C. When a violation of this provision occurs, an animal control officer or law enforcement officer is authorized to document the circumstances and evidence, take reasonable measures to remove the animal from the tether, take the tether as evidence, and take the animal to the pound.

ARTICLE LIV. SECTION 9-54 Controlling poisonous substances.

A. It shall be unlawful for any person to knowingly or negligently place or leave any poison or poisonous substances injurious to domestic animals in any place accessible to domestic animals or to recklessly or negligently expose any non-vermin animal to poison or poisonous substances. Nothing in this section is intended to address the unintentional poisoning of an animal due to the animal's ingestion of plants that are naturally growing, potted or part of a maintained landscape, nor shall it include unintentional poisoning of an animal due to the animal's ingestion of bugs, reptiles, and other animals. For the purposes of this section, 'recklessly' shall mean that a reasonable person should have known under the given circumstances that he or she was exposing the animal to poison or a poisonous substance.

B. It shall be unlawful for any person to feed an animal any controlled substance without the authorization of a veterinarian, or to impair the physical condition of an animal by non-therapeutic administration of a drug or narcotic not legally permitted or licensed for the purpose for which it is administered. This provision does not apply to animal control officers or veterinarians in

the performance of their duties.

ARTICLE LV. SECTION 9-55 Potentially Dangerous Dogs.

Every person who shall own, keep or harbor any dog or dogs, either male or female, within the boundaries of the Borough of Merchantville who has been adjudicated to be a “potentially dangerous dog” by the Municipal Court of the Borough of Merchantville, or by any Court of competent jurisdiction within the State of New Jersey, pursuant to N.J.S.A. 4:19-24, shall apply for and procure from the Borough Clerk a license and official red metal registration tag for such dog and pay for the said license a fee as directed in Section 9-16(F) of this Chapter. Additionally, the applicant shall also pay any additional fee or fees imposed by statute for the benefit of a special fund or funds, pertaining to dogs, such fee or fees to be disposed of as provided by statute.

ARTICLE LVI. SECTION 9-9 Keeping of livestock and fowl prohibited.

It shall be unlawful for any person, firm or corporation to keep, stable, breed or quarter livestock or fowl as defined in Section 9-1 of this Chapter within the corporate limits of the Borough of Merchantville. This term shall not include the keeping of cats, dogs or other domestic animals within the limits of the Borough of Merchantville.

ARTICLE LVII. SECTION 9-57 Violations; penalties.

Any person, firm or corporation who or which shall violate any of the provisions of this Chapter shall, upon conviction thereof, be liable for penalties or any combination thereof as set forth

in Chapter 1-9 of the Code of the Borough of Merchantville, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this Chapter.

ARTICLE LVIII.

Chapter 9 – Animals and Chapter 21 – Dogs, currently in the Code of the Borough of Merchantville, be and hereby are repealed. All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE LVIII.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

**_____
DENISE BROUSE, BOROUGH CLERK**

The foregoing ordinance was introduced by Mayor and Council at a meeting held on April 13, 2015. This Ordinance will be considered for adoption on final reading and public hearing to be held on May 11, 2015 at 7:30 p.m. in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to adopt a comprehensive Animal Ordinance by and for the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey